

EXHIBIT 4

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - x
JAMES BENBOW,

Plaintiff,

-against- Civ. No.: 17-CV-6457 (EK) (LB)

CITY OF NEW YORK; POLICE OFFICER BRIAN W. FEELY;
POLICE OFFICER MATTHEW J. ROSIELLO; POLICE
OFFICER KENNETH L. ANDERSON; SERGEANT WILLIAM
A. DAIB; POLICE OFFICER SHANIEL J. MITCHELL;
and POLICE OFFICER STEPHEN J. MINUCCI,

Defendants.

- - - - - x
VIDEO CONFERENCE VIA ZOOM
Conducted by:
LEX REPORTING SERVICE
160 Broadway
New York, New York

October 27, 2020
10:02 a.m.

DEPOSITION of DETECTIVE MATTHEW J.

ROSIELLO, sued herein as **POLICE OFFICER MATTHEW J. ROSIELLO**, a Defendant in the above-entitled action, held remotely via Zoom videoconference, pursuant to Order, taken before Tania C. Pedrosa, a shorthand reporter and Notary Public within and for the State of New York.

LEX#159899



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1 M. J. Rosiello 15
2 while executing a search warrant. I had -- I
3 had gotten hurt. I blew out my ACL and my
4 meniscus.

5 Q So you're on IR?

6 A No.

7 Q Now, in what cases -- how many
8 cases were you a defendant?

9 A A defendant? I don't know the
10 exact number.

11 Q Okay. And can you approximate
12 for me?

13 A I mean, I can say probably more
14 than ten maybe.

15 Q Okay.

16 A I couldn't give you an exact
17 number.

18 Q That's okay. And ten in the span
19 of what? Four years? Five years?

20 A Honestly, within, like, the last
21 -- within the last, like, you know, three
22 years. I really can't recall any off the top
23 of my head but, you know, it was all earlier
24 so --

25 Q Okay.

1 M. J. Rosiello 16

2 A -- you know.

3 Q So at or about the time of the
4 shooting or before then?

5 A For the most part. I mean, that
6 was, like, you know, a very active part of my
7 career.

8 Q Okay. And the ten lawsuits --
9 approximately ten or maybe more lawsuits in
10 which you were named a defendant, were all of
11 those in your capacity as a police officer?

12 A Yes.

13 Q Did any of those lawsuits go to
14 trial?

15 A I don't recall.

16 MR. ABOUSHI: Josh, can we
17 continue? I don't see your --

18 MR. WEINER: Yeah.

19 MR. ABOUSHI: -- video up?

20 MR. WEINER: Yeah. I just
21 had to get a pen.

22 MR. ABOUSHI: Oh, that's
23 cool.

24 MR. WEINER: Mine ran out
25 but yeah, please.

1 M. J. Rosiello 25

2 performance?

3 A No.

4 MR. WEINER: Objection.

5 Objection to that question but
6 you can answer.

7 Q Have you ever been counseled
8 about your work performance in a negative
9 perspective, like "Officer Rosiello, you
10 know, you need to do better?"

11 MR. WEINER: Objection but
12 you can answer.

13 A No.

14 Q Has anyone ever talked to you
15 about the amount of CCRB complaints against
16 you?

17 MR. WEINER: Objection.

18 You can answer.

19 A No.

20 Q Has anyone ever talked to you
21 about your lawsuit history as a police
22 officer?

23 A Not other than like this.

24 Q Okay. Yeah. I mean -- when I
25 ask these questions -- and I'll clarify -- I

1 M. J. Rosiello 26

2 mean, like, anyone from the NYPD in terms of
3 any discipline --

4 A Oh, no, no.

5 Q -- or admonishment or any sort
6 of, "Rosiello, you need to do better and not
7 get -- you know, not be sued or not have
8 complaints lodged against you," any of that
9 sort of corrective action or discussion with
10 you about those issues?

11 MR. WEINER: Objection.

12 Go ahead.

13 A No.

14 Q I'm not talking about, like, a
15 deposition or a meeting with the law
16 department about lawsuits and stuff like
17 that. I'm talking strictly about NYPD
18 supervisors talking to you about these
19 things. Anyone?

20 A No.

21 Q Okay. Have you ever had any CCRB
22 complaints lodged against you?

23 A Yes.

24 Q Do you know how many?

25 A I don't recall an exact number.

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Q More than ten? More than 20?
More than 30?

A Maybe around, like -- maybe --
maybe a couple more than ten.

Q Okay.

A Like I said, an exact number, I
-- I don't know. I mean, if you want to go
through them one by one, we could. I don't
know, though.

Q Do you know them offhand? Do you
have them handy?

A No. Some of them I -- well, if
we start to talk of them, I -- I may remember
them but...

Q Okay. And those ten-plus CCRB
complaints pertain to earlier in your career
when you were in the anti-crime and
conditions team?

MR. WEINER: Objection.

You can answer.

A Some of them may. They may be
scattered throughout my career as well.

Q Has any CCRB complaint been
sustained against you?

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ten-year span already.

Q Did anyone at the NYPD ever refer you to poor performance monitoring?

A Not that I recall.

Q Did anyone at the NYPD ever discuss with you your work performance at the NYPD?

MR. WEINER: Objection.

Go ahead.

A Not that I recall.

Q Okay. Were you ever entered into any monitoring program by the NYPD?

A Monitoring program?

Q Yeah.

A No.

Q Were you ever referred for retraining by the NYPD?

A The only training that I was referred to was I had to go for a course after I had discharged my weapon. That was -- that was the only type of training that I had been besides pre-qualifying at the range every six months.

Q Okay. And the course that you

1 M. J. Rosiello 37

2 GO -- or let me ask you.

3 Who was at your GO-15 for this
4 incident?

5 A For this incident I believe I had
6 -- it was at the time PBA representation and
7 then I believe it was a lieutenant who did my
8 GO-15.

9 Q Have you ever had a GO-15 outside
10 of this incident?

11 A Not that I recall.

12 Q Okay. And so a GO-15, as I
13 understand it, is after a significant
14 incident you're brought in and there are
15 superiors there -- right? -- lieutenants,
16 captains, deputy inspectors, correct?

17 A Correct.

18 Q And they ask you questions about
19 what happened that night, correct?

20 A Correct.

21 Q And before you go in there, you
22 have access to representation, correct?

23 A Correct.

24 Q And the representation is
25 provided by your union, the PBA, correct?

1 M. J. Rosiello 38

2 A Correct.

3 Q Okay. And in this case, you
4 actually had an attorney with you that night
5 to represent you, correct?

6 A I don't believe so. I believe it
7 was my union delegate.

8 Q Okay. And who is your union
9 delegate?

10 A At the time it was either one of
11 two people that came with me. It was either
12 Officer Trana [ph] or Officer Stark [ph].

13 Q And you met with your union
14 delegate and discussed the incident before
15 you went in for your GO-15, correct?

16 A Well, I met with my union
17 delegate and told them that I had a GO-15 and
18 -- I mean, there's really nothing, you know,
19 to discuss before -- beforehand.

20 Q Okay. And you had your GO-15
21 when?

22 A I -- I don't know. I don't
23 recall.

24 Q Was it the night of the incident?

25 A No. It was -- I -- I believe

1 M. J. Rosiello 39

2 like a -- like a year later.

3 Q And do you know why it took so
4 long to get your GO-15 done a year later?

5 A To my knowledge, I believe that
6 -- you know, they -- throughout their
7 investigation and then that's -- that's
8 basically them closing the end of their
9 investigation.

10 Q Okay. So they do the
11 investigation and right before they close it,
12 they get your GO-15 done so they can just
13 check that box for it to be done?

14 A To my knowledge, that's how it
15 works.

16 Q And at your GO-15 you answered
17 questions, correct?

18 A Correct.

19 Q And were those questions
20 truthful?

21 MR. WEINER: Question --
22 objection.

23 MR. ABOUSHI: I'll fix it.
24 I'll fix it.

25 Q Were your answers truthful?

1 M. J. Rosiello 40

2 A You -- you cut in a little bit.

3 Q Okay. I'll back up. At your
4 GO-15 you were asked questions, correct?

5 A Correct.

6 Q Okay. And in response to those
7 questions, did you provide answers?

8 A Correct.

9 Q Okay. And your answers were
10 truthful, correct?

11 A Correct.

12 Q And complete, correct?

13 A Correct.

14 Q Okay. How long did your GO-15
15 last?

16 A I don't recall an exact time
17 frame.

18 Q Half an hour? An hour? Two
19 hours? A tour?

20 A It definitely wasn't a whole
21 tour. I mean, less than four hours, I can
22 tell you that. I mean, I -- I -- I don't
23 want to lock myself into saying, "Oh, it was
24 three hours."

25 Q That's okay. Look -- that's

1 M. J. Rosiello 45

2 THE WITNESS: No problem.

3 MR. ABOUSHI: Let's -- it's

4 10:40. See everyone at 10:50.

5 MR. WEINER: 10:50. Okay.

6 THE WITNESS: 10:50. All
7 right.

8 (Whereupon, a short recess
9 was taken.)

10 BY MR. ABOUSHI:

11 Q When you were first hired as a
12 police officer by the NYPD, you received
13 training, correct?

14 A Correct.

15 Q Okay. Where did you receive your
16 training?

17 A At the police academy.

18 Q Okay. And what did that training
19 consist of?

20 A It basically taught us, you know,
21 about the law. It taught us, you know, how
22 to, you know, arrest people, you know, things
23 we -- you know, you're looking for, driving,
24 shooting, tactics.

25 Q Okay. Have you ever received the

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patrol guide?

A Yes.

Q Okay. When did you receive it?

A In the police academy.

Q Outside of the police academy,
was it provided to you?

A No.

Q Have you ever received training
in search and seizure?

A Yes.

Q At the academy?

A Yeah. They go through, like, you
know, the preliminaries of everything.

Q Okay. Outside of the academy,
have you ever received training regarding
search and seizure?

A No.

Q Okay. Have you ever received
training in use of force?

A Yeah, throughout -- I mean, in
the academy they -- they go over, you know,
all that stuff. That's all, you know, stuff
following their protocol.

Q Got you. Outside of the academy,

1 M. J. Rosiello 47

2 have you received any training for use of
3 force?

4 A No.

5 Q Okay. Have you ever received
6 training for search warrants?

7 A Yes.

8 Q Okay. When was that?

9 A That was -- I mean, when you say
10 "search warrants" -- I mean, we execute our
11 own search warrants now so I was -- you know,
12 about three years ago I went to -- you know,
13 it was like a week-long class of, you know,
14 executing search warrants and stuff like that
15 if that's -- if that's what you mean.

16 Q Okay. And where did you take
17 that class?

18 A That was in Brooklyn at the --
19 there's like -- they have another, like, hub
20 over there, like the Grand Army Terminal over
21 there.

22 Q Okay.

23 A That's where, like, the tactical
24 unit trains everybody.

25 Q Okay. Have you ever been taught

1 M. J. Rosiello 48

2 to shoot someone who is running away from a
3 police officer?

4 MR. WEINER: Objection.

5 That -- you can answer if you
6 understand that question.

7 A I mean, can you embrace on it a
8 little bit more?

9 Q Yeah. Have you ever been taught
10 that it's okay to shoot someone who's running
11 away from you?

12 MR. WEINER: Objection.

13 Incomplete hypothetical.

14 You can answer.

15 MR. ABOUSHI: It's not an
16 incomplete hypothetical.

17 MR. WEINER: It absolutely
18 is an incomplete --

19 MR. ABOUSHI: And -- and --
20 and you're doing an improper
21 speaking objection.

22 MR. WEINER: You're asking a
23 misleading and confusing
24 question.

25 MR. ABOUSHI: No, that's not

1 M. J. Rosiello 49

2 misleading and confusing. It's a
3 very straight forward question.

4 MR. WEINER: It
5 absolutely --

6 MR. ABOUSHI: And you can't
7 -- you can't do this. You can't
8 do this. You can't make speaking
9 objections. You already coached
10 him once --

11 MR. WEINER: Okay.

12 MR. ABOUSHI: -- so just
13 stay away from it.

14 MR. WEINER: Okay.

15 MR. ABOUSHI: Just let him
16 answer the question.

17 MR. WEINER: I didn't
18 realize that you were the
19 authority on coaching a witness
20 all of a sudden.

21 MR. ABOUSHI: Okay. So he
22 can answer and you can stop
23 interrupting.

24 MR. WEINER: Okay.

25 MR. ABOUSHI: It's

1 M. J. Rosiello 50

2 inappropriate and you know it.

3 Q Please answer the question.

4 A Restate the question again.

5 MR. ABOUSHI: Tania, can you
6 please read it back for us?

7 Thank you.

8 (Whereupon, the requested
9 portion was read back by the
10 reporter.)

11 A No.

12 Q The fact that someone is running
13 away from you, is that in and of itself an
14 illegal act?

15 MR. WEINER: Objection.

16 Q You can answer.

17 A No.

18 Q Okay. Do civilians have any
19 obligations to talk to the police?

20 A No.

21 Q If a civilian is talking to you,
22 the civilian has a right to stop talking to
23 you at any time, correct?

24 MR. WEINER: Objection.

25 You can answer.

1 M. J. Rosiello 51

2 A Correct.

3 Q Unless Mr. Weiner tells you not
4 to answer, you can answer the question.
5 Okay. Because he's -- he's making his
6 objection and there's very, very limited
7 circumstances he could tell you not to
8 answer. So he's making his objections to
9 preserve the record. It's not necessarily to
10 inhibit your answer. Okay?

11 A Okay.

12 Q So is it illegal for a civilian
13 to refuse to speak to an officer?

14 MR. WEINER: Objection.

15 A No.

16 MR. WEINER: Go ahead.

17 Q Is that a crime if someone
18 doesn't want to speak to the police?

19 A No.

20 Q Would you agree with me that in
21 the execution of your job functions,
22 Detective Rosiello, that you have to make
23 determinations regarding when to use force?

24 A Yes.

25 Q Would you agree with me that

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throughout your career you've had to make that determination on a regular basis as a police officer when to use force?

A Yes.

Q You probably make that determination or you have to make that determination on a daily basis, correct?

A Correct, depending on, you know, daily functions, correct.

Q And not only do you have to make a determination about force but you have to make a determination if you're going to use force, correct?

A Correct.

Q And then once you decide that you're going to use force, you have to make a determination about how much force you're going to use, correct?

A Correct. We call it the level of force, correct.

Q And throughout your career as a police officer, that's something that you have to decide on pretty much a daily basis, correct?

1 M. J. Rosiello 53

2 A Correct.

3 Q Okay. And, similarly, throughout
4 your career as a police officer, you have to
5 make determinations regarding probable cause,
6 correct?

7 A Correct.

8 Q And you also have to make
9 determinations throughout your career almost
10 on a daily basis as to when to arrest
11 someone, correct?

12 A Correct.

13 Q Do you know what probable cause
14 is?

15 A Yes.

16 Q What is probable cause to you?

17 A I'm sorry. What did you say?

18 Q I said what's probable cause to
19 you?

20 A To me, probable cause is -- you
21 know, it -- basically if I see something and
22 I know that I'm within -- acting within the
23 scope of my job, basically moving in on that.

24 Q Were you taught about probable
25 cause in the academy?

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line, and then a 25-yard line.

Q Okay. And is it accurate to say that you have to hit the targets at least 77 percent of the time in order to qualify for your weapon?

A Yeah. I mean, I -- I thought it was a little bit higher, but yeah.

Q Okay.

A Who knows?

Q Well, it's good that you don't. It means you have a good aim.

So when you -- when you're shooting at these targets, you are taught to aim at center mass, correct?

A Correct.

Q Okay. And if someone is facing you, what would be center mass?

A Center mass would be the chest.

Q Okay. Essentially from the neckline to the waistline, would that be center mass?

A Correct.

Q Okay. And if someone's back is to you, center mass would be from the neck to

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the lower back, correct?

A Correct.

Q To the waistline essentially,
correct?

A Correct.

Q And in order to qualify for your
weapon, you have to hit center mass from
various distances a certain amount of the
time, correct?

A Correct.

Q Have you ever been disqualified
for your weapon?

A Have I ever been what?

Q Have you ever been deemed not
qualified to carry your weapon?

A No.

Q Now, when you were taught use of
force, you were taught use of deadly force as
well, correct?

A Correct.

Q Okay. Were you ever taught to
shoot someone simply because they have a gun?

MR. WEINER: Objection.

Go ahead.

1 M. J. Rosiello 93

2 stop --

3 MR. WEINER: I'm not getting
4 angry. I just don't think it's
5 appropriate for you to laugh.

6 MR. ABOUSHI: Stop
7 obstructing. And it's not
8 appropriate what you're doing
9 now.

10 MR. WEINER: Okay.

11 MR. ABOUSHI: So don't
12 mischaracterize what I'm doing.

13 MR. WEINER: Okay.

14 MR. ABOUSHI: I know I'm
15 getting somewhere when you're
16 trying to obstruct.

17 Q So, Detective Rosiello, you
18 testified that he was focused -- Mr. Benbow
19 was focused on what was going on behind him
20 as he was running towards you; is that
21 correct?

22 A Correct.

23 Q Okay. And that based off your
24 observation, he didn't even know that you
25 were there, correct?

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MR. WEINER: Objection.

Go ahead.

A At the time he did not know I was there. But we're also talking about him still running away from where they are not knowing that I'm on the sidewalk.

Q Okay. And so did he ever stop and he point his gun at you with two hands?

A He pulled his gun out of his waistband and his other hand -- he had a glass in his other hand.

Q Okay. And so did he ever directly point the gun at you or was it just the sweeping motion you described where he pulled it out of his waistband and it was in his hand -- the sweeping motion where he pulls it out of his waistband and it goes across his body?

A He pulled the gun out of his waistband. And then once he made eye contact with me and saw I was there and he couldn't run down the sidewalk anymore, he had swept across me with the gun. Me alerting the rest of my team that there was a gun and then me

1 M. J. Rosiello 97

2 Q Okay. But you don't recall what
3 he was doing in terms of how he was running,
4 correct?

5 A Yeah. I don't believe his arms
6 were -- were pumping like he was doing a
7 triathlon.

8 Q Okay. What happened to the glass
9 that was in his hand?

10 A I don't recall.

11 Q Was the glass in his left hand or
12 his right hand?

13 A I don't recall.

14 Q Was the gun in his left hand or
15 his right hand?

16 A I don't recall.

17 Q Did he ever point the gun
18 directly at you?

19 MR. WEINER: Objection.

20 A It -- it came across to me.

21 Q It came across as he was running,
22 correct?

23 A I don't know what someone is
24 going to do with a gun.

25 Q Well, I didn't ask you what he

1 M. J. Rosiello 99

2 Q Detective Rosiello, I just need
3 you to focus on what I'm asking.

4 Did he or didn't he stop and
5 point a gun at you?

6 MR. WEINER: Objection.

7 A No.

8 Q You can answer.

9 Okay. Did he ever directly point
10 the gun at you?

11 MR. WEINER: Objection.

12 Objection.

13 Q You can answer.

14 A Not directly.

15 Q Okay. And so when you fired,
16 where was Sergeant Diab?

17 A Sergeant Diab I believe at the
18 time was still with the other male.

19 Q Okay. Where was Officer Minucci?

20 A I believe also with the other
21 male.

22 Q And where was Officer Mitchell?

23 A I believe all three of them were
24 -- were still over there.

25 Q Okay. And where is Officer

1 M. J. Rosiello 101

2 A Because that was all I felt was
3 needed to -- for -- for that scenario.

4 Q Okay. And your -- your testimony
5 is that -- by the way -- strike that.

6 After you shot Mr. Benbow, did
7 you say anything to him?

8 A No.

9 Q Did he say anything to you?

10 A Not -- not that I recall, no.

11 Q Did Officer Anderson say anything
12 as Mr. Benbow was running down the sidewalk?

13 A Wait. Say that again.

14 Q Did Officer Anderson say anything
15 as Mr. Benbow was running down the sidewalk?

16 A I -- yeah. I mean, he may have
17 yelled the same thing, like "police" too but
18 I -- I don't --

19 Q I don't want you to guess.

20 A I don't know then. I don't know.

21 Q Okay. Did Officer Feeley say
22 anything as Mr. Benbow was running down the
23 sidewalk?

24 A I don't -- I don't recall.

25 Q Do you know if anyone else

1 M. J. Rosiello 105

2 A Yes.

3 Q Okay. As a police officer you're
4 trained in cover, correct?

5 A Correct.

6 Q Okay. What does cover mean to
7 you as a police officer and a detective?

8 A Cover to me means someone hiding
9 behind and concealing themselves.

10 Q Okay. Did Mr. Benbow try to take
11 cover before you shot him?

12 A No.

13 Q Did he crouch or try to hide in
14 any way?

15 A Not that I recall.

16 Q Did he bend back or twist in any
17 direction?

18 A Not that I recall.

19 Q Before or after you shot him, did
20 he bend back or twist in any direction?

21 A No. I don't really recall.

22 Q Did you see Mr. Benbow on the
23 ground after you shot him?

24 A Yes.

25 Q Where was he?

1 M. J. Rosiello 116

2 MR. WEINER: Objection.

3 A I mean, that could -- that could
4 just be, you know, him -- him seeing a hole
5 to escape through, honestly.

6 Q Okay. So you didn't get the
7 impression that he saw you and then broke to
8 the right, he was just running away?

9 A I --

10 MR. WEINER: Objection.

11 Q You can answer.

12 A It -- it was more or less the
13 fact of once he realized who we were that he
14 was trying to get away.

15 Q Okay. What -- what I'm trying to
16 understand is based off what you saw. Okay?

17 A Mm-hmm.

18 Q At some point he's running in
19 your direction, correct?

20 A Correct.

21 Q Okay. Before he gets to you, he
22 breaks to the right in between two cars,
23 correct?

24 A I mean, pretty much where I was
25 but okay.

1 M. J. Rosiello 138

2 Q Okay. But when he -- but when he
3 turned, was the gun physically pointed in
4 your direction?

5 A Yes.

6 Q Okay. And I want to ask about
7 when -- when you fired -- when you fired the
8 shots. Okay? Or the shot --

9 A Yes.

10 Q -- that you fired.

11 A Yes.

12 Q Did you fire -- did you fire at
13 Mr. Benbow -- is it fair to say that you
14 fired at Mr. Benbow while he was turning or
15 was it after he had turned or was it before
16 he turned?

17 A It -- it was -- it was almost
18 like mid-stride.

19 Q Okay. But was he -- where was --
20 you said that he had turned at some point.

21 MR. ABOUSHI: No. He didn't
22 say that. He said he shot him
23 before he turned. You're
24 mischaracterizing --

25 MR. WEINER: Well, I'm

1 M. J. Rosiello 140

2 prohibited so I don't --

3 MR. ABOUSHI: Look --

4 MR. WEINER: -- understand
5 that.

6 MR. ABOUSHI: -- this is
7 your witness. You can't put
8 words in his mouth and change the
9 testimony that he gave under oath
10 just an hour ago.

11 MR. WEINER: I'm asking to
12 clarify his testimony.

13 MR. ABOUSHI: That's not a
14 clarifying question.

15 Q Detective Rosiello, do you
16 remember whether you shot Mr. Benbow as he
17 was turning or before he had turned or after
18 he had turned?

19 A It was -- it was pretty much as
20 he was turning.

21 Q Okay. Do you know where you hit
22 Mr. Benbow?

23 A If I had to guess, I would say
24 the side. I still to this --

25 Q I don't want you to guess.

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2 MR. WEINER: No. That's --
3 that -- he answered the question.
4 He said he -- that -- you can't
5 keep asking him the same question
6 when he's already answered it.

7 MR. ABOUSHI: And your
8 speaking objections are noted and
9 inappropriate.

10 Q Please answer the question,
11 Detective.

12 MR. WEINER: You can answer
13 this -- you can -- go ahead. Go
14 ahead.

15 A Like I said before, I don't know
16 where Officer Feeley was.

17 Q Okay. And so your testimony is
18 you did observe Mr. Benbow point a gun at
19 Officer Feeley or you did not observe it?

20 MR. WEINER: Objection.

21 Q We understand you already
22 testified that you didn't know where Officer
23 Feeley was, right --

24 A Yeah.

25 Q -- throughout the shooting?

1 M. J. Rosiello 167

2 A Yes.

3 Q That's correct?

4 Okay. So we're good on that
5 part.

6 My question to you is: Did you
7 ever see with your own eyes Mr. Benbow point
8 a gun at Officer Feeley?

9 A Physically, no.

10 Q Okay. Now, your counsel asked
11 you questions about excessive force. Do you
12 remember that?

13 A Yes.

14 Q What is excessive force?

15 MR. WEINER: Objection.

16 A Too much -- like abuse of force,
17 too much force.

18 Q What does that mean?

19 A It means using an unnecessary
20 amount of force.

21 Q And what's an unnecessary amount
22 of force?

23 A Depending on the circumstances --
24 I'll use an example, like, you know,
25 entailing an arrest. Like, you know, the